

# Public Safety

## Final Agenda

### Louisville Metro Council

**Meeting Date:** 07/19/2006

**Meeting Time:** 4:00 PM

**Location:** Third Floor, City Hall

**Chairs:** Ellen Call (26)

**Members:** Leonard Watkins (1)  
Mary C. Woolridge (3)  
George Melton (15)  
Kelly Downard (16)  
James Peden (23)  
Madonna Flood (24)  
Ellen Call (26)

**Special  
Items for  
Discussion:** None

- 1 [O-120-6-06](#) AN ORDINANCE AMENDING ORDINANCE NO. 52, SERIES 2006, RELATING TO THE URBAN AREAS SECURITY INITIATIVE (UASI) GRANTS FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, BY TRANSFERRING \$50,120 FROM HUMAN RESOURCES TO LOUISVILLE FIRE DEPARTMENT FOR THE SEARCH AND RESCUE EQUIPMENT PROJECT.  
[Sponsor\(s\)](#) [Public Safety](#)
- 2 [O-132-7-06](#) AN ORDINANCE AMENDING AND RE-ENACTING LOUISVILLE METRO CODE OF ORDINANCES (LMCO) SECTIONS 115.500 – 115.504, AND 115.999(Q), WITH REGARD TO AMUSEMENT MACHINES.  
[Sponsor\(s\)](#) [Public Safety](#)
- 3 [O-235-12-05](#) AN ORDINANCE PROHIBITING CHILD SEX OFFENDERS FROM

BEING IN OR RESIDING NEAR PUBLIC PARKS AND FACILITIES PROVIDING PROGRAMS OR SERVICES DIRECTED AT PERSONS UNDER THE AGE OF 18. (re-introduced on 6/22/2006)

[Sponsor\(s\)](#)      [Public Safety](#)

- 4    [R-83-6-06](#)    A RESOLUTION REPEALING RESOLUTION NO. 205, SERIES 2005, RELATING TO THE DECLARATION OF PROPERTY LOCATED AT 1700 FLAT ROCK ROAD, LOUISVILLE, KENTUCKY AS SURPLUS.

[Sponsor\(s\)](#)      [Public Safety](#)

- 5    [R-94-7-06](#)    A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, IN THE AMOUNT OF APPROXIMATELY \$175,000.00 FOR THE WEED AND SEED PROGRAM.

[Sponsor\(s\)](#)      [Public Safety](#)

ORDINANCE NO. \_\_\_\_\_, SERIES 2006

AN ORDINANCE AMENDING ORDINANCE NO. 52, SERIES 2006, RELATING TO THE URBAN AREAS SECURITY INITIATIVE (UASI) GRANTS FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, BY TRANSFERRING \$50,120 FROM HUMAN RESOURCES TO LOUISVILLE FIRE DEPARTMENT FOR THE SEARCH AND RESCUE EQUIPMENT PROJECT.

SPONSORED BY: COUNCILWOMAN TINA WARD-PUGH

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

**SECTION I:** Part I., Cabinet for Finance and Administration, Section C.3., Human Resources, of Ordinance No. 99, Series 2005, which was amended by Ordinance No. 175, Series 2005, and further amended by Ordinance No. 52, Series 2006, is hereby amended as follows:

3. Human Resources General Operations

<u>(2). Agency and Other Receipts</u>	<u>700,000</u>	<u>150,000</u>	<u>99,880</u>
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**SECTION II:** Part I., Cabinet for Public Protection, Section A., Fire & Rescue, of Ordinance No. 94, Series 2004, which was amended by Ordinance No. 119, Series 2005, and further amended by Ordinance No. 52, Series 2006, is hereby amended as follows:

A. Fire & Rescue

<u>Project Title</u>	<u>Fund</u>	<u>Amount</u>		
<u>Search &amp; Rescue Equipment</u>	<u>ODP</u>	<u>320,608</u>	<u>400,608</u>	<u>450,728</u>

**SECTION III:** The Council has determined the funds requested in this ordinance will be expended for a public purpose.

**SECTION IV:** This Ordinance shall take effect upon its passage and approval.

\_\_\_\_\_  
Kathleen J. Herron  
Metro Council Clerk

\_\_\_\_\_  
Kevin J. Kramer  
President of the Council

\_\_\_\_\_  
Jerry E. Abramson  
Mayor

\_\_\_\_\_  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Irv Maze  
Jefferson County Attorney

BY: \_\_\_\_\_  
CriminalJusticeUASI04CapitalProjectsROCbknepmDraft1.doc

6-15-06

G:\ROC\Brian Newman\Ordinances\Budget 2005-2006\Mid Year Bdgt Adj for Cap. &  
Oper\UASICJC\CriminalJusticeUASI04CapitalProjectsROCbknepmDraft1.doc

**ORDINANCE \_\_\_\_\_, SERIES 2006**

**AN ORDINANCE AMENDING AND RE-ENACTING  
LOUISVILLE METRO CODE OF ORDINANCES  
(LMCO) SECTIONS 115.500 – 115.504, AND  
115.999(Q), WITH REGARD TO AMUSEMENT  
MACHINES.**

**Sponsored by: Council Member**

**Kevin Kramer**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL AS  
FOLLOWS:**

**SECTION I.** LMCO Sections 115.00 -115.504 are hereby amended and  
re-enacted as follows:

**AMUSEMENT MACHINES**

**115.500 DEFINITIONS.**

For the purpose of this subchapter the following definitions shall apply.

COIN-OPERATED AMUSEMENT DEVICE. Any mechanical game of skill  
or amusement operated on the coin (or token), or currency in-the-slot principle.

COIN-OPERATED MUSIC MACHINE. Any mechanical music vending  
machine operated on the coin (or token), or currency in-the-slot principle and  
which affords music, songs, or other similar amusement.

§ 115.501 LICENSE FEE.

(A) Any person, ~~owner, or lessee~~ who operates within ~~Jefferson County~~ Louisville Metro, whether for profit or not, any coin-operated music machine or any coin-operated amusement device shall pay to the Director of Inspections, Permits and Licenses a license fee of \$20 for each coin-operated music machine so operated or placed where it can be operated, and a license fee of \$20 for each coin-operated amusement device so operated or placed where it can be operated, and on payment of the license fee shall receive a license for the year for which the payment is made. Every such license shall show the name and address of the licensee.

(B) ~~On payment of the license fee, the owner or lessee applicant shall be furnished with a certificate bearing the same number as the license receive an amusement-device sticker for the year for which the payment is made. and the certificate~~ The sticker shall be prominently affixed to the machine or device in such a manner as to be visible from the outside. However, the amusement-device sticker assigned to a license may be transferred from one machine or device to another similar machine or device substituted or in place of the machine or device on which the original license was granted.

~~(B)(C)~~ All licenses hereunder shall expire on ~~November 1~~ October 31. As of November 1, 2006, no All licenses issued on or after November 1 of any year shall be prorated ~~according to the fraction of the year for which the license is to run.~~

#### § 115.502 RESPONSIBILITY OF AGENTS.

The agent of nonresident proprietors shall be civilly responsible for the license tax and the penalties thereon, and criminally responsible for carrying on the business in a manner as if they were proprietors.

#### § 115.503 GAMBLING PROHIBITED.

Nothing contained in this subchapter is intended to or shall be construed to sanction or allow the operation of any game of chance or any gambling game or device, or the operation or possession of any machine, game, or device which is or may be used for gambling. If any machine or device licensed under this subchapter is used or permitted to be used for gambling purposes or in the violation of any statute or ordinance, the license issued under this subchapter shall be null and void and canceled, and the licensee shall not be entitled to receive or recover any part of the license fee for the unexpired term.

#### § 115.504 CONFISCATION.

In addition to any other penalty or forfeiture provided for in this subchapter, if any mechanical game of skill or amusement, including a coin-operated amusement device, is used in violation of the provisions of this subchapter or Section 133.21, in any manner as a gambling device or game, such game of skill or amusement shall be confiscated in the manner provided by law.

~~§ 115.998 SEVERABILITY.~~

~~———— If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.~~

**SECTION II.** Louisville Metro Code of Ordinances Section 115.999(Q) is hereby amended as follows:

§ 115.999 PENALTY.

(Q) (1) Any person, owner, or lessee who operates any machine or device as defined and regulated in §§ 115.500 through 115.504 within ~~Jefferson County~~ Louisville Metro without having a license therefor or without displaying such license on the machine so as to be visible from the outside shall be guilty of a misdemeanor and on conviction shall be fined not less than \$25 nor more than \$100, imprisoned in the metro jail ~~or workhouse~~ for not less than ten, nor more than 30 days, or both, at the discretion of the court. Each day during which such machine or device is maintained or operated shall constitute a separate offense.

(2) In all cases where there has been a failure to take out the license required by these sections, it shall be the duty of the Louisville Metro Police Division ~~Department~~ to confiscate the machine or device and the owner or lessee of the machine or device shall be required to pay in addition to the penalties provided for in subsection (1) above, a fine of \$100 to defray the cost incurred in the confiscation of any such machine or device.



**SECTION III.** This Ordinance shall take effect upon its passage and approval.

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**Kathleen J. Herron**  
**Metro Council Clerk**

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**Kevin J. Kramer**  
**President of the Council**

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**Jerry E. Abramson**

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**Approval Date**

**APPROVED AS TO FORM AND LEGALITY:**

**Irv Maze**  
**Jefferson County Attorney**

**BY:** \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_, SERIES 2006**

**AN ORDINANCE PROHIBITING CHILD SEX OFFENDERS FROM BEING IN OR RESIDING NEAR PUBLIC PARKS AND FACILITIES PROVIDING PROGRAMS OR SERVICES DIRECTED AT PERSONS UNDER THE AGE OF 18.**

**SPONSOR: Councilman David Tandy, District 4**

**WHEREAS**, KRS 17.495 prohibits child sex offenders from residing within one thousand (1,000) feet of a high school, middle school, elementary school, preschool, or licensed day care facility; and

**WHEREAS**, the Metro Council would like to extend this residency restriction currently placed on child sex offenders by KRS 17.495 to playgrounds and facilities providing programs or services exclusively directed toward persons under 18 years of age; and

**WHEREAS**, the Metro Council finds that sex offenders are extremely likely to use physical violence and to repeat their offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes; and

**WHEREAS**, the Metro Council believes it is in Metro Government's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of Metro Louisville by creating areas around locations where children regularly congregate in concentrated numbers wherein child sex offenders are prohibited from being there and/or residing near to.

**NOW THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("COUNCIL") AS FOLLOWS:**

**SECTION I: DEFINITIONS.**

(1) **Child Sex Offender** means any person who:

(A) has been charged under Kentucky law, or any substantially similar federal law or law of another state, with a criminal offense against a victim who is a minor, as defined in subsection (2) of this Section I, or the attempt to commit such an offense; and

(B) is convicted of such offense or an attempt to commit such offense; or

(C) is found not guilty by reason of insanity of such offense or an attempt to commit such offense.

Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this subsection (1) as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this subsection (1).

(2) **Criminal Offense Against A Victim Who Is A Minor** means any of the following offenses if the victim is under the age of eighteen (18) at the time of the commission of the offense:

(A) Kidnapping, as set forth in KRS 509.040, except by a parent;

(B) Unlawful confinement, as set forth in KRS 509.020, except by a parent;

(C) Sex crime;

(D) Promoting a sexual performance of a minor, as set forth in KRS 531.320;

(E) Promoting prostitution, as set forth in KRS 529.030, 529.040, and 529.050, when the defendant advances or profits from the prostitution of a person under the age of eighteen (18);

(F) Use of a minor in a sexual performance, as set forth in KRS 531.310;

(G) Sexual abuse, as set forth in KRS 510.120 and 510.130;

(H) Any attempt to commit any of the offenses described in paragraphs (A) to (G) of this subsection (2); and

(I) Solicitation to commit any of the offenses described in paragraphs (A) to (G) of this subsection (2).

(2) **Facility Providing Programs or Services Directed Towards Persons Under the Age of 18** means any facility in Metro Louisville providing programs or services exclusively directed toward persons under the age of 18.

(3) **Loiter** means standing, sitting idly, whether or not the person is in a vehicle or remaining in or around public park property.

(4) **Metro Louisville** means the corporate limits of Jefferson County, Kentucky.

(5) **Playground** means a piece of land in Metro Louisville owned or controlled by the Commonwealth of Kentucky, Louisville/Jefferson County Metro Government, Louisville Waterfront Development Corporation, or any city within Metro Louisville for use solely or primarily for children's recreation, including, but not limited to, playground equipment and public swimming, wading or fountain pools.

(6) **Public Park** means a park, forest preserve, or conservation area in Metro Louisville under the jurisdiction or control of the Commonwealth of Kentucky, Louisville/Jefferson County Metro Government, Louisville Waterfront Development Corporation or any city located within Metro Louisville.

(7) **Sex Offense** means any of the following offenses:

(A) A felony offense defined in Chapter 510, 530.020, 530.064, 531.310 or 531.320;

(B) A felony attempt to commit a felony offense specified in paragraph (A) of this subsection (7); or

(C) A federal felony offense, a felony offense subject to a court-martial of the United States Armed Forces, or a felony offense from another state or a territory where the felony offense is

similar to a felony offense specified in paragraph (A) of this subsection (7).

**SECTION II: PARKS AND OTHER PLACES WHERE CHILD SEX OFFENDERS MAY NOT BE OR RESIDE.**

(a) It is unlawful for a child sex offender to be present in any public park building or on real property comprising any public park when persons under the age of 18 are present in the building or on the grounds, unless the offender is a parent or guardian of a person under 18 years of age present in the building or on the grounds.

(b) It is unlawful for a child sex offender to loiter on a public way or sidewalk within 1,000 feet of a public park building or real property comprising any public park while persons under the age of 18 are present in the building or on the grounds, unless the offender is a parent or guardian of a person under 18 years of age present in the building or on the grounds.

(c) It is unlawful for a child sex offender to reside within 1,000 feet of a playground or a facility providing programs or services exclusively directed toward persons under 18 years of age. Nothing in this subsection (c) prohibits a child sex offender from residing within 1,000 feet of a playground or a facility providing programs or services exclusively directed toward persons under 18 years of age if the property is owned by the child sex offender and was purchased before the effective date of this ordinance.

(d) It is unlawful for a child sex offender to operate, manage, be employed by, volunteer at, be associated with, or be present at any facility providing programs

or services exclusively directed towards persons under the age of 18. This does not prohibit a child sex offender from owning the real property upon which the programs or services are offered, provided the child sex offender refrains from being present on the premises for the hours during which the programs or services are being offered.

(e) For purposes of determining the minimum distance separation in subsections (b) and (c), above, the measurement shall be taken in a straight line from where the child sex offender is loitering or from the outer property line of the place of residence of the child sex offender to the nearest outer property line of the public park, playground or facility providing programs or services exclusively directed toward persons under 18 years of age, as the case may be.

### **SECTION III: PENALTY.**

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$500 or imprisonment not to exceed 365 days, or both, for each offense. Each day that a violation occurs shall constitute a separate offense.

### **SECTION IV: EFFECTIVE DATE.**

This Ordinance shall take effect upon its passage and approval.

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Kathleen J. Herron  
Metro Council Clerk

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Kevin J. Kramer  
President of the Council

\_\_\_\_\_  
Jerry E. Abramson  
Mayor

Approved: \_\_\_\_\_  
Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze  
Jefferson County Attorney

BY: \_\_\_\_\_  
Draft 3 epm 12/02/05 11:05 a.m.



RESOLUTION NO. \_\_\_\_\_, SERIES 2006

A RESOLUTION REPEALING RESOLUTION NO. 205,  
SERIES 2005, RELATING TO THE DECLARATION OF  
PROPERTY LOCATED AT 1700 FLAT ROCK ROAD,  
LOUISVILLE, KENTUCKY AS SURPLUS.

SPONSORED BY: Councilwoman Ellen Call, District 26

BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE  
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS  
FOLLOWS:

Section 1: Resolution 205, Series 2005 is hereby repealed.

Section 2: This Resolution shall take effect upon its passage and approval.

\_\_\_\_\_  
Kathleen J. Herron  
Metro Council Clerk

\_\_\_\_\_  
Kevin J. Kramer  
President of the Council

\_\_\_\_\_  
Jerry E. Abramson  
Mayor

Approved: \_\_\_\_\_  
Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze  
Jefferson County Attorney

By: \_\_\_\_\_

**RESOLUTION NO. \_\_\_\_\_, SERIES 2006**

**A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, IN THE AMOUNT OF APPROXIMATELY \$175,000.00 FOR THE WEED AND SEED PROGRAM.**

**Sponsored By: Council Members Shanklin, King and Benson**

**WHEREAS**, the United States Department of Justice has made funding available under the Office for Justice Programs; and

**WHEREAS**, the Louisville/Jefferson County Metro Government wishes to take advantage of this funding opportunity through its Community Action Partnership.

**BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:**

**SECTION I:** The Mayor is hereby authorized to accept an Office for Justice Programs grant from the United States Department of Justice in the amount of approximately \$175,000.00 for the Weed and Seed Program.

**SECTION II:** This Resolution shall take effect upon its passage and approval.

\_\_\_\_\_  
Kathleen J. Herron  
Metro Council Clerk

\_\_\_\_\_  
Kevin J. Kramer  
President of the Council

\_\_\_\_\_  
Jerry E. Abramson  
Mayor

\_\_\_\_\_  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Irv Maze  
Jefferson County Attorney

BY: \_\_\_\_\_